

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

\* \* \* \* \*

Scott Malcolm and Tim McGough, as  
Trustees of the Carpenters & Joiners  
Welfare Fund, Twin City Carpenters  
Pension Master Trust Fund, Carpenters  
and Joiners Apprenticeship and  
Journeyman Training Trust Fund, and  
Twin City Carpenters Vacation Fund;  
and each of their successors,

Mike Gavanda and Gary Larson, as  
Trustees of the Painters and Allied  
Trades District Council No. 82 Health  
Care Fund; John Bosquez and Gary  
Larson, as Trustees of the Minneapolis  
Local 386 Drywall Finishing Industry  
Pension Fund, Minneapolis Painting  
Industry Pension Fund, Minneapolis  
Painting Industry Vacation and Holiday  
Fund; Michael Gavanda and James  
Smallen, as Trustees of the Minnesota  
Finishing Trades Training Fund; and  
each of their successors,

Jeff Jewett and John Nakasone, as  
Trustees of the St. Paul Painting  
Industry Pension Fund, St. Paul  
Painting Industry Vacation Fund;  
and each of their successors,

Plaintiffs,

ORDER ADOPTING REPORT  
AND RECOMMENDATION

vs.

NPD, Inc., and John Koralia,  
individually,

Defendants.

Civ. No. 05-960 (JMR/RLE)

\* \* \* \* \*

Based upon the Report and Recommendation of the United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS ORDERED:**

That the Plaintiffs' Motion for Summary Judgment on the Defendants' Counterclaims [Docket No. 109] is granted.

Dated: June 21, 2007

s/James M. Rosenbaum  
James M. Rosenbaum, Chief Judge  
United States District Court